

LABOUR DEPARTMENT

The 22nd September, 1986

No. 9/8/86-6Lab./6750.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Everest Steel Fabricators, Tigaon, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. Fbd 425/84

between

SHRI HARI PARSHAD, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S EVEREST STEEL FABRICATORS, TIGAON, FARIDABAD

Present :—

Workman with Shri Darshan Singh.

Shri R. C. Sharma, for the respondent-management.

AWARD

This reference under section 10(i)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/FD/132-83/693—98, dated 5th January, 1984 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Hari Parshad, workman and the respondent-management of M/s Everest Steel Fabricators Tigaon Road, Faridabad. Accordingly, it has been registered as reference No. 425/84. The reference has been received with the following issues :—

Whether the termination of services of Shri Hari Parshad, was justified and in order ?
If not, to what relief is he entitled ?

The parties have settled the dispute at their own level. To that effect I have recorded statements. It has been stated by the workman that he has since received the amount of Rs. 2,500 towards full and final settlement of his claim. He would not be entitled for reinstatement/re-employment with the respondent. The reference received is hereby answered to the effect that the matter in dispute has been settled by the parties and no further action in the matter is needed. The reference is accordingly answered.

Dated the 18th July, 1986.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1791, dated the 30th July, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab./6937.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Gedore Tools India Pvt. Ltd., Plot No. 1, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 758 of 1985

between

SHRI PREM NATH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
GEDORE TOOLS INDIA PVT. LTD., PLOT NO. 1, FARIDABAD.

Present :—

Workman in person

Shri P. R. Sikka, for the respondent-management.

AWARD

This reference under section 10(1) (c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—*vide* its endorsement No. ID/FD/131/85/49262—66, dated 5th December, 1985 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Prem Nath, workman and the respondent-management of M/s. Gdore Tools India Pvt. Ltd., Plant No. I, Faridabad. Accordingly, it has been registered as reference No. 758 of 1985.

The parties have settled the dispute at their own level. To that effect my learned predecessor had recorded statements on 28th February, 1986. On 30th April, 1986, the amount of Rs. 380 towards bonus were also paid by the respondent to the workman. He had already received the amount of Rs 5,535 towards final and full settlement of his claim. He would, however, will have no right of reinstatement with the respondent. The amount if any due towards Provident Fund and Housing Scheme can be reagitated afresh. The reference is accordingly answered.

Dated the 11th July, 1986.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1931, dated the 5th September, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad

The 23rd September, 1986

No. 9/6/86-6Lab./6930.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of (i) M/s State Transport Controller, Haryana, Chandigarh. (ii) General Manager, Haryana Roadways, Kaithal.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 187 of 1985

SHR MOHINDER SINGH, WORKMAN SON OF SHRI ATAMA SINGH C/O TRADE UNION COUNCIL, PATIALA AND THE MANAGEMENT OF THE MESSRS THE STATE TRANSPORT COMMISSIONER, HARYANA CHANDIGARH.
(II) GENREAL MANAGER, HARYANA ROADWAYS, KATHAL.

Present :—

None for workman.

Shri A. R. Goyal for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Mohinder Singh, and Messrs G. M., Haryana Roadways, Kaithal to this Court. The terms of the reference are as under:—

“Whether termination of services of Shri Mohinder Singh, is justified and correct. ? If not, to what relief is he entitled ?”

Workman through his damand notice alleged that he had been in the service of respondent managment as a welder for the last nine years and used to get Rs. 358 P. M. His services were terminated in violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent management contested the dispute and contended that the services of workman were requisitioned for a specific period and as soon as the period of contracts expired his services automatically came to an end. The retrenchment of workman Mohinder Singh is not in view of section 2 (00) (bb) of Industrial Disputes Act, so the reference deserve to be answered in favour of management.

On the pleadings of the parties issues were framed. Evidence of the parties was recorded. Today the case was fixed for arguments. Neither workman nor his A. R. appeared. Shri A. R. Goyal represented the management, so the reference is dismissed in default.

V. P. CHAUDHARY,

Dated the 26th July, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1945, dated the 28th July, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6 Lab./6931.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Executive Engineer, 'OP' Haryana State Electricity Board, Chandigarh, Sector 17.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR
COURT, AMBALA

Reference No. 93 of 1986

SHRI BACHNA RAM WORKMAN AND THE MANAGEMENT OF THE
MESSRS EXECUTIVE ENGINEER, 'OP' HARYANA STATE
ELECTRICITY BOARD, CHANDIGARH, SECTOR 17.

Present :—

Shri Surinder Sharma for workman.

Shri S. Bindra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Bachna Ram c/o Dr. Surinder Sharma, Railway Road, Jagadhri and Messrs H. S. E. B. to this court. The terms of the reference are as under:—

Whether termination of services of workman of Shri Bachna Ram, workman is justified and correct? If not, to what relief is he entitled?

Workman Bachna Ram alleged that he had been working as an ALM since 12th October, 1968 in the respondent Department. His services were terminated illegally on 7th January, 1984 in violation of section 25 (F) of Industrial Disputes Act, 1947. Workman further alleged that he met with an accident on duty. He was paid compensation for that disability as per report of the Medical Board and thereafter his services were dispensed with illegally. He has prayed for his reinstatement with continuity in service and with full back wages etc.

Respondent-management contested the claim and contended that Shri Bachna Ram workman met with an accident and he suffers 40% disability due to that fact he became disable to discharge the duties of an ALM. Compensation for this disablement Rs. 11,760 was paid to him. Thereafter one month notice was issued to workman and on the expiry of the notice his services were terminated.

On the pleadings of the parties the following issues were framed :—

Issues—

- (1) Whether termination order dated 8th January, 1984 is according to law, if not its effect ?
- (2) Whether written statement has not been properly signed and varified by the proper party, if so its effect ?
- (3) Relief.

I have heard Shri Surinder Sharma, Authorised Representative for workman and Shri S. Bindra for respondent-management and have perused the oral and documentary evidence placed on the file. My issue wise findings are as under.

Issue No. 1

The onus of this issue was upon the management, so it examined Shri Bal Mukand, Head Clerk who stated that Shri Bachna Ram had met with an accident due to that fact he suffered 40% loss of earning capacity. For that compensation amounting to Rs. 11,760 was paid to him. Thereafter it was decided by the respondent that workman has become disable, so he cannot perform the duties of ALM. So after serving one month notice Shri Bachna Ram's services were dispensed with.

Shri Bachna Ram appeared as AW-1 he stated that he had been discharging duties of a regular ALM since 1978 up to the day of termination of his services. He stated that no retrenchment compensation was paid to him, he further stated that he is in a position to perform the duties of an ALM. He further stated that his services were arbitrarily dispensed with,—vide Ex. M-3.

In view of the above facts and evidence adduced on the file. At least it is admitted fact between the parties that workman met with an accident, while on duty and suffered 40% disability for which compensation amounting to Rs. 11,760 was paid to him.

From the evidence of the management it is nowhere established that the workman had become disable to discharge the function of ALM after the accident in question. The Medical Board has simply given the report of 40% disability towards earning capacity of workman but there is no specific opinion from the side of medical Board that the workman is unable to discharge the duties of an Assistant Lineman. Workman Bachna Ram met with the alleged accident on 29th September, 1980 and even thereafter he had been discharging the duties of ALM up to 7th January, 1984 and thereafter on 8th January, 1984 his services were dispensed with.

Since the workman had suffered loss of 40% earning capacity while on duty in the service of respondent-management. In these circumstances it was the duty of the Department to have assigned him some lighter duties and he should have been retained in job. It was further incumbent upon the respondent-management that before the dispensing with the services of workman, specific and clear medical opinion should have been taken that the workman is unfit to discharge the duties of ALM.

In the absence of this Medical opinion some technical expert of the respondent-management should have been asked to give his opinion whether Bachna Ram was fit to be retained in service on the job of ALM. But there is no such evidence on the file that the workman had become totally disable to perform the duties of Assistant Lineman.

No doubt one month notice for dispensing with the services of workman was issued to Shri Bachna Ram but no retrenchment compensation was paid to him. Even the appropriate Government, was also not informed about the dispensing with the service of the workman as required under section 25 (F) of Industrial Disputes Act, 1947.

In view of my above discussion I am of the considered opinion that there is a violation of section 25 (F) as appointed above and moreover the management did not bother to obtain the opinion of some medical expert or some technical expert in the respondent-management whether the workman is fit or unfit to discharge the duties of ALM. In these circumstances it is established that the termination of services of Bachna Ram is illegal. Hence he is entitled to reinstatement with continuity in service and with full back wages. So this issue is decided against the respondent-management, in favour of, workman.

Issue No. 2

Executive Engineer, 'OP' Division H. S. E. B., Yamuna Nagar has been made party to this dispute and the written statement has been properly signed and verified by him, so this issue is decided against workman, in favour of management.

Issue No. 3

For the foregoing reasons on the basis of my findings on issue No. 1, I hold that the termination of workman Bachna Ram is in violation of section 25 (F) of Industrial Disputes Act, 1947 so he is entitled to reinstatement from the date of termination with continuity of service and with full back wages. I pass award regarding the controversy between the parties accordingly.

Dated the 23rd July, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1899, dated 25th July, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6 Lab./6932.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s (1) State Transport Commissioner, Haryana, Chandigarh, (2) General Manager, Haryana Roadways, Kaithal.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 268 of 1985

SHRI LABH SINGH, SON OF SHRI ISHWAR SINGH C/O TRADE UNION COUNCIL,
PATIALA AND THE MANAGEMENT OF THE MESSRS (1) THE STATE TRANSPORT
COMMISSIONER, HARYANA CHANDIGARH, (2) GENERAL
MANAGER, HARYANA ROADWAYS, KAITHAL

Present :

None, for the workman.

Shri A. R. Goyal, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Labh Singh and Messrs G. M. Haryana Roadways, Kaithal, to this Court. The terms of the reference are as under:—

Whether termination of services of Shri Labh Singh, was justified and correct ? If not, to what relief is he entitled ?

Workman through his demand notice alleged that he had been serving the respondent-management for the last 1½ years. His services were terminated in utter violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in services and with full back wages.

Respondent-management contested the dispute and contended that services of workman were requisitioned for a limited period. As soon as the contract period expired his services automatically came to an end. So in view of section 2-(oo)(bb) of this reference is not maintainable.

Workman filed replication through which he controverted the allegations of the respondent-management. On the pleadings of the parties issues were framed.

Today this reference was fixed for workman evidence but neither workman nor his A. R. appeared. Shri A. R. Goyal, Law Officer represented the management. So the reference is dismissed in default.

V. P. CHAUDHARY,

Dated, the 26th July, 1986.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 1946, dated the 28th July, 1986.

Forwarded (four Copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./6933.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Haryana Radiators Ltd., Plot No. 107, Sector 24, Faridabad :—

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 75 of 1986

between

SHRI HARI RAM, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
HARYANA RADIATORS LTD., PLOT NO. 107, SECTOR 24, FARIDABAD.

Present—

Workman with Shri R. L. Sharma.

Shri G. D. Maheshwari, for the respondent-management.

AWARD

This reference under section 10(i)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/FD/2-86/4451—55, dated 29th January, 1986, to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Hari Ram, workman and the respondent-management of M/s Haryana Radiators Ltd., Plot No. 107, Sector 24, Faridabad. Accordingly, it has been registered as reference No. 75 of 1986.

On notice respondent appeared and filed written statement contesting the claim. Material issues were framed by my learned Predecessor,—vide his order dated 3rd April, 1986. The case is now fixed for the evidence of the respondent. However, the parties have compromised into the matter and memorandum of settlement Ex. W-1 has been produced. To that effect statement of petitioner has been

recorded. He has accepted Rs. 4,000 towards compensation for the settlement of full and final claim with the respondent. Now he would not be entitled to be reinstated/re-employed with the respondent. The reference received is hereby answered.

Dated the 29th July, 1986.

A. S. CHALIA,
Presiding Officer,
Labour Court,
Faridabad.

Endst. No. 1931, dated the 5th August, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

A. S. CHALIA,
Presiding Officer,
Labour Court,
Faridabad.

No. 9/8/86-6Lab./7233.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Crucible Steel India Pvt. Ltd., Sector 24, Faridabad :—

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER,
LABOUR COURT, FARIDABAD

Reference No. 13 of 1985

between

SHRI MURARI LAL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S CRUCIBLE STEEL INDIA PVT. LTD., SECTOR 24, FARIDABAD

Present:—

None for the parties.

AWARD

This reference under Section 10 (i) (c) of the Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/FD/183-84/3963—68, dated 1st February, 1985 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Murari Lal, workman and the respondent-management of M/s Crucible Steel India Pvt. Ltd., Sector 24, Faridabad. Accordingly it has been registered as reference No. 13 of 1985.

The management was proceeded *ex parte* on 19th September, 1985 by my learned predecessor as registered cover was received back with the report that the addressee has left. After that summons were sent through U.P.C. but none appeared for the management, and *ex parte* award was passed in favour of the workman on 17th October, 1985.

After publication of the award the respondent filed an application to set aside *ex parte* award dated 17th October, 1985 which was set aside by my learned predecessor,—vide his order dated 17th April, 1986 and the parties filed their pleadings. On the pleadings of the parties issues were framed and the case was fixed for evidence of the management for 7th August, 1986. But today no body is present on behalf of either party. It is 1.20 p.m. The case was called several times. It shows that the workman is not interested to pursue this reference. Hence the reference is dismissed in default.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Dated, the 7th August, 1986.

Endst. No. 2669, dated the 26th August, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.